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ATTORNEY DOCKET NO.: 58771(48933)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANTS:** Carl R. MERRIL, et al.

**EXAMINER:** S. Gucker

**SERIAL NO.:** 09/816,289

**GROUP:** 1647

**FILED:** March 23, 2001

**FOR:** METHODS OF TREATING NEURODEGENERATIVE DISEASES  
INCLUDING ALZHEIMER'S

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. SECTION 1.191)**

*NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 93 (Oct. 10, 1997).*

*NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 94 (Oct. 10, 1997).*

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed November 3, 2003, finally rejecting claims 1 and 3-8.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

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**CERTIFICATE OF EXPRESS MAIL**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" Express Mail Label No. **EV438991748US** addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **May 3, 2004**.

05/06/2004 SSESHE1 00000102 09816289

01 FC:2402  
02 FC:2253

165.00 OP  
475.00 OP

By: 

Donna R. Davis

- ☐ other than a small entity.  
☒ a small entity.

## 2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. Section 1.17(b), the fee for filing the Appeal Brief is:

- ☒ small entity \$165.00  
☐ other than a small entity \$330.00

Notice of Appeal fee due \$165.00

## 3. EXTENSION OF TERM

*NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of Section 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).*

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

**Fee \$ 475.00**

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- (a) ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee

paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 165.00  
Extension fee (if any) \$ 475.00

**TOTAL FEE DUE \$ 640.00**

#### 5. FEE PAYMENT

- ☒ Attached is a check in the sum of \$ 640.00.  
☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

#### 6. FEE DEFICIENCY

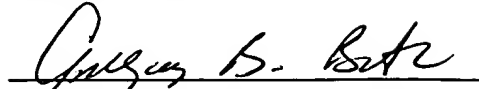
*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.*

- ☒ If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gregory B. Butler", is written over a horizontal line.

Gregory B. Butler, Ph.D., Esq.

Reg. No.: 34,558

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